

REMARKS

Claims 1-20 are pending in the subject application. After entry of the above amendments to the claims, claims 1, 2, 3, 4, 5, 8, 10, 19 and 20 have been amended. The Examiner is respectfully requested to reconsider the rejection of the claims in view of the above amendments and remarks as set forth herein below.

1. *Claims 1-16, 20 stands rejected under 35 U.S.C. § 112, first paragraph. This rejection is respectfully traversed.*

The claims have been amended in response thereto. Further it is to be noted that the word “emulate” in claims 8 and 19 is appropriate since the originally filed specification sets forth on page 9, line 6-9 that “the Braille type system can include a printed document according to the present invention have both printed matter and printed Braille type code, copying or repeating the printed matter”. Specifically, the printed Braille type code, copying or repeating the printed matter is the same or equivalent to the printed Braille type code emulating the printed matter. Further, the remainder of the specification and drawings clearly indicates that the printed matter is emulated by the printed code and the word “emulate” is purely descriptive, and does not suggest any new meaning and is not new matter.

2. *Claims 19-20 stands rejected under 35 U.S.C. § 102(b) as being clearly anticipated by Swartz, et al. (US 6,095,418). This rejection is respectfully traversed.*

Swartz, *et al.* discloses text 59 in combination with a scanning and decoding symbol 42 on page 58 as shown in Figure 3. Further, Swartz, *et al.* discloses a scanner/decoder 46 for scanning and decoding symbol 42 (see Column 4, lines 39-49). Swartz, *et al.* discloses a scanner/decoder 16 disclosed in two (2) prior U.S. patent applications serial numbers 07/851,493 and 07/851,505 disclosed at Column 3, lines 49-58.

The scanners disclosed are non-contact picture type scanners, and read the scanning and decoding symbol from a distance and reads the entire symbol simultaneously unlike the hand-held scanner according to the present invention that reads the Braille type bar code while in contact with the medium and while moving along the surface of the medium (see disclosure at page 13, lines 1-14).

A blind person will have difficulties properly positioning, orienting and spacing the a non-contact type scanner relative to the medium in the Swartz, *et al.* apparatus. Further, in Swartz, *et al.*, the entire bar code is simultaneously read without movement of the scanner, again requiring some skill to hold steady the scanner/decoder at the proper position, orientation and spacing unlike the claimed invention in which the scanning device is moved (e.g. slid or guided) along the surface of the medium providing stability and control of the scanning aspect for the visually impaired, in particular the blind. Thus, the claimed combination of claims 19 and 20 both provide advantages over the apparatus disclosed by Swartz, *et al.*, and Swartz, *et al.* does

not disclose or suggest such a combination. In conclusion Swarts, *et al.* does not teach or suggest the claimed invention.

3. *Claims 1-20 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Lemelson et al. (US 5,945,656) in view of Swartz, et al. (US 6,095,418). This rejection is respectfully traversed.*

Lemelson *et al.* discloses an apparatus for scanning a one (1) dimensional bar code for (Figure 1) with a code scanner-reader apparatus 60, as shown in Figure 4. The apparatus requires a guide 8 for guiding the code scanner-reader apparatus 60. Swartz, *et al.* has been discussed in the response to the above rejection in detail.

The Examiner states that “it would have been obvious to one having ordinary skill in the art at the time of the claimed invention to have utilized a Braille type linear high density multi-dimensional type bar code (including a 2-D bar code) since the use of a particular type bar code would only depend on the amount of information to be stored and conveyed, especially since Lemelson *et al.* clearly states that he envisions for his device to be utilized by the handicapped”.

The apparatus of Lemelson *et al.* requires a separate or discrete guide 8 for positioning and scanning the page 6 (Figure 1) with the code scanner-reader apparatus 60. Specifically, the apparatus of Lemelson *et al.* will not function or operate without the guide 8 due to the linear format of the one (1) dimensional bar code. The apparatus of Swartz, *et al.* utilizes a non-contact picture type scanner/detector.

To replace the one (1) dimensional bar code of Lemelson *et al.* with the two-dimensional bar code disclosed by Swartz *et al.* would require a different type of scanner such as the type disclosed by Swartz *et al.*, and is clearly not suggested, since this would change the entire construction and configuration of the apparatus of Lemelson *et al.* Further, the use of a scanner such as the type disclosed by Swartz *et al.* in Lemelson *et al.*'s apparatus would eliminate the need for the guide 8 (Figure 1), which is a critical feature or element of the apparatus of Lemelson *et al.*. Assuming, arguendo, that Swartz, *et al.*'s scanner is used with Lemelson *et al.*'s apparatus, the guide 8 would impede or interfere with the scanning by a non-contact picture type scanner disclosed by Swartz, *et al.* For these reasons, to replace the one-dimensional bar code of Lemelson *et al.* with the two-dimensional bar code of Swartz, *et al.* as proposed is not suggested.

Furthermore, the claimed combination includes other elements or features that far exceed the proposed combination of elements and features discussed by the Examiner, namely a machine reading device provided with a page guided hand held scanner configured to scan and read said Braille type bar code when placed in contact with said at least one page and then moved (i.e. slid or guided) along the upper surface and along an edge of said at least one page by a user. Neither of the references disclosed by the Examiner teach or suggest utilizing an edge of the page or spine of a book, magazine or periodical as a guide for a hand-held scanner placed in contact with the page, and then moved along the page for scanning for said Braille type bar code. In conclusion, Lemelson *et al.* in view of Swartz, *et al.* does not teach or suggest the claimed invention.

4. *Claims 4 and 5 stand rejected under 35 U.S.C. 103(a) as being unpatentable over Lemelson et al "656 and Ueno '750, as stated above, and further in view of Freeman '375. This rejection is respectfully traversed.*

Claims 4 and 5 have been amended in a manner to obviate a response this rejection.

In view of the above amendments and remarks, it is believed that the claims are in condition for allowance and allowance is respectfully requested.

The Commissioner is hereby authorized to charge any fee deficiency, or credit any overpayment to our Deposit Account No. 11-1243.

Respectfully submitted

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Date: January 20, 2006
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